

EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

Friday, July 27, 2012

*** MORNING HOT LIST ***

Major parts of Pa.'s natural-gas law ruled unconstitutional

PHILADELPHIA INQUIRER Major provisions of Pennsylvania's controversial law governing the oil and natural-gas industry were ruled unconstitutional Thursday, allowing communities to keep drilling away from homes, schools, and parks. The 4-3 ruling by a Commonwealth Court panel was a blow to Gov. Corbett, who has pushed to attract gas drilling and the resulting jobs to the state. An appeal of the ruling to the state Supreme Court was likely, Corbett's office said. The provisions of Act 13 that override local zoning and environmental laws are "unconstitutional, null, and void," President Judge Dan Pellegrini wrote. "Every citizen in the state should be pleased that the concept of local zoning has been upheld," said Nancy Alessi, a supervisor in Nockamixon Township, Bucks County, which is one of the plaintiffs in the suit. "This was a huge portion of the act, and the court ruled definitively, overturning it." Nockamixon and six other municipalities, including Yardley Borough, challenged the law that took effect in April. Two elected officials, a doctor, the Delaware Riverkeeper Network, and that group's leader also were plaintiffs in the suit. "The court has recognized that the Pennsylvania legislature and Gov. Corbett went too far," said Jordan Yeager, the lawyer for the two Bucks towns and the environmental group. "This is a great victory for the people of Pennsylvania, for local democracy, for property rights, for our public health, and for the clean-water supplies on which we all depend." Act 13 was enacted to collect impact fees from drilling companies tapping the vast natural-gas supplies in the Marcellus Shale region. Pennsylvania had been the only major gas-producing state that did not tax natural-gas production, and it was projected to collect \$175 million this year. Although Act 13 was designed for tapping the Marcellus Shale reserves, which lie beneath two-thirds of the state, the law governs the drilling, storage, and transporting of oil and natural gas throughout Pennsylvania.

Officials thrilled by Act 13 ruling

WILKES-BARRE TIMES LEADER County and municipal officials upset with their loss of zoning authority under Pennsylvania's gas drilling impact fee law breathed a sigh of relief Thursday when a state appellate court struck down part of the statute. The Commonwealth Court removed provisions in the law, called Act 13, making gas wells and pipelines a permitted use in all zoning districts, forbidding municipalities from imposing more stringent zoning regulations than those imposed on other industries and establishing uniform setback distances for gas industry facilities from water sources and homes. Seven municipalities had sued the state over the law on constitutional grounds. They were backed symbolically by 67 municipalities and counties that signed letters criticizing Act 13, among them three Luzerne County municipalities and the county's governing council. "We all unanimously agreed that we did not like the act for one reason or another," said Jim Bobeck, chairman of the Luzerne County Council. "For zoning the counties and the local municipalities are the

foot soldiers,” he continued. “They are the closest link with the land itself and should have the ability to choose what their land uses are as they assess the risks.” Councilman Eugene Kelleher, the council’s representative to the County Commissioners Association Natural Gas Task Force, said he agreed with the court’s decision because he thought the law was unconstitutional with regard to zoning. “Who is the state to come in and tell a local town or borough how they should run their town,” Kelleher asked. “The local people should know what’s best for the local area.”

Study finds damage far downstream of mine sites

CHARLESTON GAZETTE CHARLESTON, W.Va. -- Mountaintop removal is harming water quality far downstream from where active mining buries creeks beneath valley fill waste dumps, according to a new scientific paper that adds to the growing concerns about strip-mining damage. Researchers from Duke and Baylor universities conducted the study to try to get at a question that has eluded concrete answers for more than a decade: To what extent is mountaintop removal runoff polluting waters downstream from mine sites? Using satellite images and computer data, the scientists created maps so they could examine the scope of mining and the degree of water quality impairment in a 7,500-square-mile area of the Southern West Virginia coalfields. Numerous previous studies have linked runoff of various pollutants from strip-mining to impaired water quality, measured in part through reduced diversity of aquatic insects. Studies have shown this impairment is related to high levels of electrical conductivity, caused by sulfated and other pollutants. Duke aquatic ecologist Emily Bernhardt and her co-authors pinpointed levels of sulfates and conductivity that leave streams impaired, and then calculated the extent to which streams in the mining region exceed those pollution levels or were impacted by a percentage of mining linked to impairment. Among other things, their analysis found that 22 percent of the streams in the region drain areas with mining extensive enough to leave the water quality there impaired. The study also reported that, while nearby valley fills had buried 480 miles of streams in the study area, pollution runoff from mountaintop removal likely stretches four to six times that far.

Farmers say state is piling on with new manure regulations

MARYLAND GAZETTE Say too much of the cleanup burden is falling on them — and at a huge financial cost. Farmers, wastewater managers and environmentalists have found common ground — they share anger about proposed state manure and fertilizer management regulations that could be approved as early as next month. The regulations were designed “to achieve consistency in the way all nutrients are managed and help Maryland meet nitrogen and phosphorus reduction goals” for cleaning up the Chesapeake Bay, according to the Maryland Department of Agriculture, which drafted the legislation. The goals are part of a Watershed Improvement Plan required of states in the Bay’s watershed by the U.S. Environmental Protection Agency to make more progress in a three-decades-old effort to reduce Bay pollution. But the farmers say too much of the cleanup burden is falling on them — and at a huge financial cost. And wastewater managers say they cannot meet the storage requirements expected of them. Hundreds of thousands of tons of treated sewage sludge would have to be stored for almost half a year, they say. Finally, at least some environmentalists are unhappy — but for a different reason. They say the requirements don’t go far enough, fast enough to clean and protect the Bay. At a meeting Monday of about 130 farmers and others at the Talbot Community Center in Easton, Maryland Secretary of Agriculture Earl “Buddy” Hance complimented Maryland farmers for implementing best management practices through the years and meeting almost 70 percent of the goal in the proposed regulations.

Editorial: Transition: Coal down, gas up

CHARLESTON GAZETTE CHARLESTON, W.Va. -- West Virginia's coal regions are a "sacrifice zone" where out-of-state coal corporations bleed away mineral wealth and leave desolation behind, reformer Chris Hedges said on the Bill Moyers TV talk show. Well, that colony-like pattern may change, because many economic forecasts anticipate a major dropoff for this state's coal industry. The U.S. Energy Information Administration's latest national summary projects that West Virginia coal production will slump from 158 million tons in 2008 to

around 90 million tons by 2020 -- a 42 percent decline. Southern counties will suffer more, falling from 99 million tons in 2009 to just 38 million by 2020 -- a 63 percent tumble. "That means in 10 years southern West Virginia could be producing almost one-third the coal it produced in 2009," the state Center on Budget and Policy observed. Loss of two-thirds of coal employment would inflict severe hardship on a region already hurt by mine layoffs. The EIA report said that, according to its estimates, "Appalachian coal production declines substantially from current levels, as coal produced from the extensively mined, higher-cost reserves of Central Appalachia is supplanted by lower-cost coal from other supply regions. . . . Coal production from the West (mainly the Powder River Basin in Wyoming) increases from 625 million tons in 2009 to 780 million tons in 2035."

PENNSYLVANIA

PHILADELPHIA INQUIRER

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Fierce storms topple trees, power lines Thunderstorm-driven gusts of 50 to 60 m.p.h. blew through the Philadelphia region before dusk Thursday, downing power lines and trees, knocking out electricity to 23,000 Peco customers, and reportedly blasting the cross-topped steeple of St. Martin de Porres School in the 2300 block of West Lehigh Avenue with a lightning strike. A fast-moving line of storms formed off Lake Erie and made its way to the area around 6:30 p.m., said meteorologist Greg Heavener of the National Weather Service in Mount Holly. "Some areas had torrential downpours," he said, and 3,000 to 4,000 "cloud-to-ground" lightning strikes hit the region in under two hours. Peco spokesman Ben Armstrong said Montgomery County bore the brunt of the damage, with 10,000 customers knocked off the grid. About 3,500 in Philadelphia, 3,500 in Bucks, 2,400 in Delaware, and 2,000 in Chester Counties also were affected. Much of the damage was from downed limbs. "These are sustained outages," said Armstrong. Although crews would work through the night, power is not expected to be restored to some customers before sometime Friday. In New Jersey, about 10,700 PSE&G customers were without power late Thursday.

Blog: DEP lifts ban on L. Bucks building permits A month-old ban on sewer hookups and building permits in most of Lower Bucks County has been lifted temporarily, the state Department of Environmental Protection said Thursday. The DEP lifted the ban affecting the 13 municipalities served by the Bucks County Water and Sewer

Authority on Wednesday, based on new information about the capacity of a sewage pumping station, DEP spokeswoman Deborah Fries said in a written statement. The sewer authority, meanwhile, filed an appeal of the DEP's June 26 ruling with the state Environmental Hearing Board on Thursday, authority spokesman Patrick Cleary said. The DEP "misunderstood the information we provided," Cleary said. "We still believe there is no hydraulic overload" of the Totem Road Pump Station. Fries said the DEP considers the pump station and two major pipes to be "in projected hydraulic overload," which would require "corrective action." But new building permits and sewer hookups can be issued while the DEP reevaluates the system's capacity, she said. Meanwhile, the sewer authority has a Sept. 21 deadline to submit a Corrective Action Plan and a Connection Management Plan. The management plan is used "when a system has more projected needs than projected capacity," Fries said. "to determine when and how new connections are made." The DEP also is urging the municipalities to report pending construction projects to the sewer authority.

PITTSBURGH POST-GAZETTE

Pa. court upsets Marcellus Shale zoning law HARRISBURG -- A dispute over Pennsylvania's attempt to establish statewide zoning for Marcellus Shale drilling likely is headed to the state's top court, after an appellate panel on Thursday overturned the new rules. Judges on the Commonwealth Court ruled that Pennsylvania cannot require municipalities to allow drilling in areas where it would conflict with their zoning rules, siding with several towns challenging the five-month-old law. That law enacted a sweeping set of changes for how the gas drilling industry operates within Pennsylvania. It created a per-well annual fee, updated dozens of regulations, and, most controversially, dictated which aspects of drilling can and cannot be regulated locally. The decision grants a reprieve to townships that had about two weeks left to overhaul their ordinances before an injunction delaying that section of the new law was to expire. In fact, Cranberry planned to hold a hearing Thursday on its revised ordinance. "It'll make that portion of the agenda very short," said Cranberry manager Jerry Andree after the ruling. The township's ordinance, adopted in 2010 "in compliance with the then-state law," restricted drilling operations to areas around U.S. Route 19 and other industrial zones, Mr. Andree said. But Act 13 "basically threw our whole ordinance out," he said. "It was a radical change." That was the message in the challenge filed by municipal officials, who said the broad requirements for where gas wells and compressor stations must be allowed would inhibit their ability to protect the health and safety of residents. The majority opinion, written by Judge Dan Pellegrini, agreed with the local officials' concerns. He wrote that the required rule changes would alter the character of neighborhoods and make the existing municipal zoning plans irrational.

Storms wallop area with rain and wind Severe thunderstorms brought fast-paced winds and heavy sheets of rain to the region, stripping the roof off a Butler County fire hall. Early predictions sounded almost apocalyptic -- damaging winds at high bursts of speed, large hail, a few tornado warnings. But at the end of the day, most of the reports the National Weather Service received from emergency officials were for downed tree limbs and power lines. And forecasters expect today will be even more tame. Brad Rehak, a meteorologist with the National Weather Service in Moon, said most of Allegheny County received between 1 and 1 1/2 inches of rain. Parts of Indiana County received at least 3 inches, with several businesses flooding, and wind speeds were listed as much as 74 mph.

PITTSBURGH TRIBUNE REVIEW

County hears proposals for shale revenues "I have a free night tonight. I'm not out raising money, but I'm here pleading for money." With those words, Monessen municipal fire Chief Del Hepple made a plea for the Westmoreland County Commissioners to consider using Marcellus shale gas drilling proceeds to help volunteer fire departments. His plea was echoed by Greg Zenyuh, second assistant fire chief of Collinsburg Fire Department in Rostraver. He said table games at casinos are eating away at bingo profits, a staple of fundraising for fire companies. The appeals from the two chiefs were among a litany of ideas — from public safety to economic development to road improvements and libraries — the commissioners heard during a public meeting on Thursday night in the Rostraver municipal building. That meeting was the latest in a series of sessions being conducted by the Westmoreland County Department of Planning and Development. The final of the five meetings will be held Aug. 13 in the Derry Township Municipal Building. The county is seeking input from the public regarding the use of

funds generated under Act 13 of 2012, the Unconventional Gas Well Impact Fee. Act 13 is a comprehensive law that touches upon a number of natural gas well drilling issues, one of which is the assessment of an Unconventional Gas Well Impact Fee. The fee is collected and disbursed to state, county and local entities to offset the impact that unconventional well drilling has on communities. In all, the Unconventional Well Fund will collect approximately \$180 million statewide in its first year. Westmoreland County's direct share will equal approximately \$1.8 million, of which nearly \$1.3 million will be allocated at the county's discretion in the program's first year. Amounts allocated to counties will vary in subsequent years, based on a number of variables. Act 13 allows counties and municipalities to spend the money in 13 categories related to the impact of the industry. Michelle Ivill, executive vice president/general manager of General Industries, said the firm purchased 97 acres in the vicinity of the township municipal building in 2007. She proposed using some of the money to fund improvements to Concord Lane and Municipal Drive, including widening the roads and improving access for trucks. "We believe our proposal improves safety in the area as well," Ivill said. Larry Larese, who retired last year as executive director of the Westmoreland County Industrial Development Corp. and director of the Westmoreland County Department of Planning, suggested the money be used for capital improvements, converting the county's 163 vehicles to natural gas and continuing Industrial Park development.

Commonwealth Court strikes some provisions of state's new gas drilling law Parts of the state's new oil and gas law unconstitutionally limit local governments' ability to keep gas drilling rigs and waste pits away from homes, schools and parks, a divided state appeals court ruled on Thursday in a decision the Corbett administration likely will appeal. A 4-3 majority of the Commonwealth Court judges who heard the case sided with leaders from Pittsburgh-area suburbs who challenged the legality of Act 13. The court struck down portions of the law, which established fees and uniform land-use rules to regulate the burgeoning Marcellus shale gas. The legal challenge focused on the issue of local control. "This doesn't mandate that drilling isn't going to happen within their (townships') borders. It just puts back the balance of what's existed since the Marcellus (drilling) started," said John M. Smith, the plaintiffs' lead attorney and solicitor for Cecil and Robinson in Washington County. South Fayette, Mt. Pleasant and Peters also challenged the law. "If you want to build a shed in our townships, you're probably going to need a permit from us. And we just wanted (drillers) to be treated like everybody else," Smith said. The decision was a defeat for the gas industry and Republican Gov. Tom Corbett, whose office said it likely would appeal the ruling to the state Supreme Court. "Act 13 is clearly constitutional and received significant input and ultimate support from Pennsylvania's local government associations and their legal counsel," said Corbett spokesman Eric Shirk. "We will vigorously defend this law." The court agreed with four of 12 complaints, including the lead claim that state lawmakers violated the state and federal constitutions. The judges dismissed lesser claims that became irrelevant once they ruled to uphold local land-use control, several plaintiffs said. Judges dismissed separate challenges to eminent domain provisions for pipelines and to laws that govern the information drillers give to doctors, saying the plaintiffs did not have standing.

HARRISBURG PATRIOT NEWS

PA American Water completes replacement of water pipes in Camp Hill Pennsylvania American Water crews have finished installing a water main in Camp Hill borough which replaced pipe dating as far back as 1916. Water company officials say the \$1.6 million project should improve reliability for customers, reduce service disruptions and increase water flows for firefighting. Construction began in late February to replace nearly 7,500 feet of cast iron water main and install nine new fire hydrants along Market Street between the Camp Hill Bypass and 15th Street. According to Joseph Woodward, field operations manager for Pennsylvania American Water, crews continue to restore grassy areas and driveways for customers along the project route. This work is expected to be completed this summer. PennDOT will perform final paving of this section of Market Street. At least one resident complained when Pennsylvania American Water turned off water for six hours to about 40 Camp Hill homes on a hot day in June with only a few hours' notice as part of the project. A company official said at the time that employees hung flyers on doors to alert residents and brought in bottled water after the complaint.

WILKES-BARRE TIMES LEADER

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WILKES-BARRE CITIZENS VOICE

State court tosses zoning limits in gas law Pennsylvania's Commonwealth Court on Thursday struck down the sections of a new gas drilling law that sharply limited local zoning of Marcellus Shale operations. The 4-3 decision found that a portion of the sweeping revisions of the state's gas law, known as Act 13, infringed on municipalities' due process rights by forcing them to allow incompatible land uses - drill rigs and wastewater pits - in zones they had isolated from industrial activity. The law required municipalities to allow all oil and gas operations in all zoning districts, including residential ones, President Judge Dan Pellegrini wrote for the majority. In doing so, he said, the law "does not protect the interests of neighboring property owners from harm, alters the character of neighborhoods and makes irrational classifications - irrational because it requires municipalities to allow all zones, drilling operations and impoundments, gas compressor stations, storage and use of explosives in all zoning districts, and applies industrial criteria to restrictions on height of structures, screening and fencing, lighting and noise." The court also overturned a portion of the law that would have allowed environmental regulators to waive setback restrictions detailing how far away from wetlands and streams a gas well must be built. The rule is unconstitutional, the panel said, because the legislature gave the Department of Environmental Protection no guidance as to when to grant a waiver. Judges Bernard L. McGinley, Bonnie Brigance Leadbetter and Patricia A. McCullough joined the majority opinion written by Pellegrini. Judges P. Kevin Brobson, Robert Simpson and Anne E. Covey dissented to the ruling on the zoning provisions. Seven municipalities in southwestern Pennsylvania and Bucks County, the environmental group the Delaware Riverkeeper Network and a doctor challenged the law. Jordan Yeager, an attorney for two of the municipalities, called the ruling "a great victory for the people of Pennsylvania, for local democracy, for property rights, for our public health and for the clean water supplies on which we all depend." A spokesman for the Attorney General's Office said that the ruling is under review. The state is expected to appeal the decision. Act 13, which was adopted in February, rewrote decades-old environmental regulations for natural gas development and imposed an impact fee on gas drawn from shale. The majority of the law remains in effect.

JOHNSTOWN TRIBUNE-DEMOCRAT

Marcellus creating jobs, lieutenant gov says TIPTON — Marcellus Shale natural gas is creating jobs in Blair County and across Pennsylvania, Lt. Governor Jim Cawley said Thursday during a tour of New Pig Corp. in Tipton. "Whether it is at one of the drill sites in the southern end of the county or right here at New Pig, Marcellus Shale is creating good, family-sustaining jobs. Gov. Tom Corbett and I want to see more of this happen across the state," Cawley said. Cawley cited recent Department of Labor and Industry statistics showing that 29,000 people are working in the drilling industry in the state with average annual earnings of \$81,000. Since 1985, New Pig has manufactured products for leak and spill management. Employing nearly 360 people in Tipton, it makes 4,000 different products.

ALLENTOWN MORNING CALL

State court knocks out key piece of gas drilling law Commonwealth Court delivered a body blow Thursday to the state's new oil and gas law, knocking out uniform zoning provisions for oil and gas operations. The judges ruled 4-3 that key pieces of the law, enacted in February, are unconstitutional. They struck down Act 13's uniform zoning mandate, a controversial measure that forced municipalities to accept oil and gas operations — drilling, pipelines, compressor plants — in every zoning district, including residential areas. The ruling was a win for the municipalities — including Buck County's Nockamixon Township — over gas drilling interests, which had lobbied for the predictability and efficiency of the law's preemption of local zoning control. "It's a tremendous victory for local democracy," Nockamixon solicitor Jordan Yeager said, "and for property owners all around the state." The court's opinion, written by President Judge Dan Pellegrini, states that Act 13's language regarding uniform zoning "would allow the proverbial 'pig in the parlor instead of the barnyard.' "

READING EAGLE TIMES

Plug pulled on renewable energy festival The Pennsylvania Renewable Energy & Sustainable Living Festival began at the outset of the modern-day green movement, as more people began taking an interest in sustainability and renewable energy. Founded in 2004, the festival was the first of its kind in the state, and the Kutztown-based organization that founded it, the Mid-Atlantic Renewable Energy Association, simultaneously found footing in the community. But due to plummeting attendance and waning vendor interest, the MAREA board members unanimously decided to cancel this year's festival that was slated in late September in Kempton. At its peak in 2008, more than 8,000 people attended the three-day festival, MAREA President Vera Cole said Thursday. Dave Bascelli, who helped found the festival and is in charge of marketing for MAREA, said that with environmentally friendly living becoming more accessible, people had less of a reason to come to the event. "If you talk to the vendors that were there, they said the first couple of years, people wanted to know how it works: the details. They were fascinated by it," he said of festival attendees who would peruse solar panels and other energy-saving items. "But by last year, everybody knew how it works. No one asks those questions anymore." Bascelli said vendors stopped signing up, too, which was a large source of the festival's revenue. About 80 percent fewer vendors had registered for the 2012 festival, Cole said, adding that festival operating costs to MAREA are about \$70,000 a year.

More mosquitoes carrying West Nile virus found in Berks Six cases of mosquitoes carrying West Nile virus were discovered in Berks County on Thursday, according to the state Department of Environmental Protection. Two of the infected mosquitoes were found in Centre Township. The other four were in Muhlenberg Township, Shillington, Birdsboro and Leesport. The mosquitoes were among 74 across the state that tested positive for West Nile virus on Thursday. Three birds, from Northampton, Centre and Erie counties, were found to be infected. People can get the virus by being bitten by mosquitoes that carry it. In humans, the virus can cause brain swelling. According to DEP, residents can protect against mosquito bites by making sure screens on doors and windows fit tightly; wearing long-sleeve shirts, socks and long pants while outside; limiting outdoor time during dawn and dusk; and using insect repellent.

ASSOCIATED PRESS (Pa.)

Court: Provisions in gas-drilling law violate state constitution A Pennsylvania appellate court panel today struck down provisions in a new law regulating the state's booming natural gas industry that opponents said would leave municipalities defenseless to protect property owners from being surrounded by drilling sites or waste pits. The decision was a defeat for Gov. Tom Corbett and the natural gas industry, which had long sought the limitations, and a prompt appeal to the state Supreme Court was expected. Commonwealth Court judges ruled 4-3 in a decision released today that the limitations in so-called Act 13 violated the state constitution. Seven municipalities had sued over the sweeping five-month-old law, saying it unconstitutionally takes away the power to control property from towns and landowners for the benefit of the oil and gas industry. "This is a wonderful victory for local government, a recognition that local municipal officials have a valid interest in protecting the property of their citizens," said Jordan Yeager, one of the lawyers who argued on behalf of the municipalities. "Act 13 took that away and the court said that the governor and the Legislature had gone too fa..."

DELAWARE

DELAWARE CAPE GAZETTE

Residents offer alternative to refuge issues Milton — As the public comment deadline fast approaches on the Prime Hook National Wildlife Refuge comprehensive conservation plan, six Primehook Beach residents have offered the most detailed analysis to date. The 30-page document contains comments on the draft conservation plan as well as the residents' own conservation plan. They say their plan addresses current environmental conditions impacting communities that border the refuge, as well as meeting goals for the refuge established by the U.S. Fish and Wildlife Service. Over the past four years the refuge has undergone a dramatic change due to storm-created overwashes and breaches in the duneline in the Fowler Beach area, which is in the refuge's northern quadrant. The changes have been so abrupt, a refuge biologist said it has made refuge staff's heads spin. The breaches in the duneline have allowed the free flow of saltwater into refuge marshes. Saltwater has caused extensive damage to the Unit 2 freshwater impoundment, and that damage is extending into Unit 3. Refuge officials have to put off any work until after the conservation plan is adopted. The refuge contains four marsh impoundments. At one time, the refuge contained two freshwater and two saltwater marsh impoundments, which sustained a wide variety of fish, mammals, waterfowl and shorebirds. As a result of saltwater intrusion, Units 1 and 4 remain saltmarsh but Units 2 and 3 — once maintained as freshwater marshes — are now under constant siege from Delaware Bay saltwater. Most of the 1,500 acres of Unit 2 are now converted to open water and saltwater is starting to cause damage to the 2,500-acre Unit 3. For 25 to 30 years, the duneline and beach provided sufficient protection to the marshes for refuge staff, using a water-control system, to maintain the ecosystem of freshwater and saltwater wetlands unique to the refuge. When nor'easters opened breaches in the duneline that balance was destroyed. Saltwater has been flowing into Unit 2 destroying marsh plants and eating away at the protection once offered to nearby Primehook Beach.

Editorial: It's storm season - let's be prepared The sidewalks and boardwalks of the Delaware resort towns teemed this week with people. Sussex County's No. 2 economic driver — tourism — is in high gear. Tom Ibach, whose Dolle's caramel corn and saltwater taffy operation anchors one of Rehoboth's most visible corners, said the summer has been peculiar. "June was uncharacteristically strong but then the heat of July seemed to hold things down. We're keeping our fingers crossed for a good August." As if to answer his concern, at 9:30 Wednesday night there was a steady flow of people on the Boardwalk, edge to edge, and filling the sidewalks on both sides of Rehoboth Avenue. And here comes August, with its puffier clouds and lower humidity. The last few weeks of the high season, before kids start heading back to school and sports camps, offer the chance to show off to the greatest number of people the hospitality that keeps people coming back. That hospitality and helpfulness, along with the pride that shows in the cleanliness of our towns and beaches and the pleasant professionalism of our lifeguards, police officers and paramedics, has become a real hallmark of the Sussex County culture. That culture goes a long way toward helping ensure that strong summers turn into strong falls and that tourism will only grow stronger as a clean economic driver for us.

WEST VIRGINIA

CHARLESTON GAZETTE

Study finds damage far downstream of mine sites CHARLESTON, W.Va. -- Mountaintop removal is harming water quality far downstream from where active mining buries creeks beneath valley fill waste dumps, according to a new scientific paper that adds to the growing concerns about strip-mining damage. Researchers from Duke and

Baylor universities conducted the study to try to get at a question that has eluded concrete answers for more than a decade: To what extent is mountaintop removal runoff polluting waters downstream from mine sites? Using satellite images and computer data, the scientists created maps so they could examine the scope of mining and the degree of water quality impairment in a 7,500-square-mile area of the Southern West Virginia coalfields. Numerous previous studies have linked runoff of various pollutants from strip-mining to impaired water quality, measured in part through reduced diversity of aquatic insects. Studies have shown this impairment is related to high levels of electrical conductivity, caused by sulfated and other pollutants. Duke aquatic ecologist Emily Bernhardt and her co-authors pinpointed levels of sulfates and conductivity that leave streams impaired, and then calculated the extent to which streams in the mining region exceed those pollution levels or were impacted by a percentage of mining linked to impairment. Among other things, their analysis found that 22 percent of the streams in the region drain areas with mining extensive enough to leave the water quality there impaired. The study also reported that, while nearby valley fills had buried 480 miles of streams in the study area, pollution runoff from mountaintop removal likely stretches four to six times that far. "These analyses suggest that the many individual mines in the region are having additive effects and that more attention must be paid to the cumulative impacts of surface coal mining in this region," the study concluded. The study was published earlier this month in the journal *Environmental Science and Technology*. Bernhardt has previously discussed its preliminary findings in a state Environmental Quality Board case and a federal court lawsuit. In both instances, she was testifying as an expert witness for citizen groups that were challenging mining permit approvals. Since taking office, the Obama administration has sought to reduce the environmental impacts of mountaintop removal, and has expressed serious concerns about the growing body of studies that show residents near such mining are at greater risk of serious health impacts, including birth defects and cancer. West Virginia political leaders have opposed the Obama administration's efforts, but have offered no plans of their own to reduce mining's environmental impacts or investigate the public health concerns.

Editorial: Transition: Coal down, gas up CHARLESTON, W.Va. -- West Virginia's coal regions are a "sacrifice zone" where out-of-state coal corporations bleed away mineral wealth and leave desolation behind, reformer Chris Hedges said on the Bill Moyers TV talk show. Well, that colony-like pattern may change, because many economic forecasts anticipate a major dropoff for this state's coal industry. The U.S. Energy Information Administration's latest national summary projects that West Virginia coal production will slump from 158 million tons in 2008 to around 90 million tons by 2020 -- a 42 percent decline. Southern counties will suffer more, falling from 99 million tons in 2009 to just 38 million by 2020 -- a 63 percent tumble. "That means in 10 years southern West Virginia could be producing almost one-third the coal it produced in 2009," the state Center on Budget and Policy observed. Loss of two-thirds of coal employment would inflict severe hardship on a region already hurt by mine layoffs. The EIA report said that, according to its estimates, "Appalachian coal production declines substantially from current levels, as coal produced from the extensively mined, higher-cost reserves of Central Appalachia is supplanted by lower-cost coal from other supply regions. . . . Coal production from the West (mainly the Powder River Basin in Wyoming) increases from 625 million tons in 2009 to 780 million tons in 2035."

Latest storm leaves more than 17,400 without power CHARLESTON, W.Va. -- More than 17,400 people in West Virginia lost electricity Thursday night after the latest violent thunderstorm sent wind and rain ripping through the state. Kanawha, Lincoln, Harrison, Tucker and Tyler counties were the hardest hit by the recent summer storm, reporting thousands of new power outages. In Kanawha County, 2,950 Appalachian Power customers had lost power as of 9:30 Thursday night. "We've got a lot of people out, but this wasn't as bad as we were prepared for," said Kent Carper, Kanawha County Commission president. In Lincoln County, more than 1,500 Appalachian Power customers were without power. More than 1,400 MonPower customers in Harrison County and more than 1,200 customers in Tyler County had their power knocked out as of Thursday night.

Blog: How many mountains can we mine? There's out in the peer-reviewed journal *Environmental Science and Technology*. Sara Peach has a story about it in *Chemical and Engineering news*, reporting:

PSC issues order to keep AEP electric rates from rising CHARLESTON, W.Va. -- The Public Service Commission issued an order Thursday that will prevent any increase in electricity rates for Appalachian Power and Wheeling

Power customers. The order is tied to the utility's cost of generating electricity. The costs o...

CHARLESTON DAILY MAIL

FirstEnergy puts its utilities on high alert CHARLESTON, W.Va. -- FirstEnergy Corp. said all of its utilities, including Mon Power and Potomac Edison, which serve northern West Virginia, are on high alert because strong to severe storms are forecast in the region today. Appalachian Power, which serves about 500,000 customers across southern West Virginia and a like number in Virginia, has not issued any such notice. Appalachian spokesman Phil Moye noted that the utility did issue an alert on Tuesday, when powerful storms were predicted. "We had commitments for 500 workers in anticipation of damage from that storm," Moye said. "We didn't need all of them because the storm was not as severe as it might have been. We ended up with about 100 of those workers and there was work for them to do. We still have 88 line workers from outside our area. They're mostly in the Huntington area, doing cleanup work. We're going to hang onto those folks, thinking we may need them this evening.

PARKERSBURG NEWS AND SENTINEL

Storms hit Mid-Ohio Valley again PARKERSBURG - In a summer of wild weather swings, another hot day ended with a heavy downpour and winds that disrupted electricity in several areas.

WEST VIRGINIA STATE JOURNAL

EPA clears water wells near hydraulic fracturing in Dimock, PA The U.S. Environmental Protection Agency announced this week that, following the installation of treatment at five drinking water wells in Dimock, Pa., its sampling indicates that no further action is needed. The agency did not connect any contaminants detected with hydraulic fracturing. "Our goal was to provide the Dimock community with complete and reliable information about the presence of contaminants in their drinking water and to determine whether further action was warranted to protect public health," said EPA Region 3 Administrator Shawn M. Garvin. "The sampling and an evaluation of the particular circumstances at each home did not indicate levels of contaminants that would give EPA reason to take further action," Garvin said. Dimock has been the focus of intense water quality sampling by state and federal regulators since residents alleged drinking water problems connected with natural gas production activity Cabot Oil and Gas had begun in the area in 2008. EPA visited Dimock in late 2011 to follow up on controversy between residents, Cabot and the Pennsylvania Department of Environmental Protection. The agency said it surveyed residents regarding their private wells and reviewed hundreds of pages of drinking water data supplied to the agency by Dimock residents, the PADEP and Cabot. Because data for some homes showed elevated contaminant levels, EPA decided to conduct well sampling to evaluate whether residents had access to safe drinking water. Between January and June 2012, the agency said in its media release, it sampled private drinking water wells serving 64 homes, including two rounds of sampling at four wells where it was delivering temporary water supplies as a precautionary step in response to prior data.

WEST VIRGINIA PUBLIC BROADCASTING

Portable air samplers used to monitor horizontal well pads The Department of Environmental Protection is creating a report for the Legislature that details whether regulations for horizontal gas wells are sufficient. The Horizontal Well Control Act passed in a special legislative session in 2011 specifies that the center of a well pad must be 625 feet from occupied structures. It also states that the Department of Environmental Protection has to notify the Legislature whether further regulation of air pollution from well sites is needed, taking into account possible impacts to human health and the environment. In an effort to comply, the agency reached out to Michael McCawley. McCawley is the interim chairman of the Department of Occupational and Environmental Health from the School of Public Health at WVU. He and his colleagues at WVU were already working with the Department of Energy to come up with tools companies could use to sample air quality for themselves. "I was tasked under contract to DOE to finding off-the-shelf components that could be assembled together and used in remote locations that the drill sites are at," McCawley says. In addition to reporting levels of dust and carcinogenic chemicals emitted, McCawley's team is also documenting noise pollution. McCawley says that at about 15-thousand-dollars each, this will be an affordable tool for companies and state agencies to monitor operations. "We think that this mobile kind

of sampling tool that we've developed with off-the-shelf units can be useful for a company to set up on a fence line so that they can show the community, in fact, that they are doing the right thing—that they're keeping control of their process. I think that will help everybody, the industry and the population, get along better because knowledge will dispel any fears that a company's not doing the right thing. And it also levels the playing field for the companies who are doing the right things.”

MARYLAND

SALISBURY DAILY TIMES

Editorial: Bicycles are going mainstream To say bicycles are becoming trendy is an understatement. No longer limited to a means of transportation for children, recreational and fitness uses or people who cannot afford to own and operate a motor vehicle, bikes are increasingly seen as an economical, healthy and environmentally friendly way to get from point A to point B. Maryland has committed more than \$3.6 million to its Bikeways Program in 2012. Salisbury is getting a tiny slice of that funding --\$13,750 for use in creating safe bicycle lanes in downtown Salisbury. Another \$6,300 goes to Shore Transit to add bike racks to 10 of its buses and to three bus stations serving Somerset, Wicomico and Worcester counties. And Wicomico County has begun to explore the possibility of making more of the county bicycle-friendly as well. The trend is positive on many levels. It allows people to combine physical activity with practical purposes such as nearby errands or commuting to and from work, in addition to recreational riding.

MARYLAND GAZETTE

Farmers say state is piling on with new manure regulations Say too much of the cleanup burden is falling on them — and at a huge financial cost. Farmers, wastewater managers and environmentalists have found common ground — they share anger about proposed state manure and fertilizer management regulations that could be approved as early as next month. The regulations were designed “to achieve consistency in the way all nutrients are managed and help Maryland meet nitrogen and phosphorus reduction goals” for cleaning up the Chesapeake Bay, according to the Maryland Department of Agriculture, which drafted the legislation. The goals are part of a Watershed Improvement Plan required of states in the Bay’s watershed by the U.S. Environmental Protection Agency to make more progress in a three-decades-old effort to reduce Bay pollution. But the farmers say too much of the cleanup burden is falling on them — and at a huge financial cost. And wastewater managers say they cannot meet the storage requirements expected of them. Hundreds of thousands of tons of treated sewage sludge would have to be stored for almost half a year, they say. Finally, at least some environmentalists are unhappy — but for a different reason. They say the requirements don’t go far enough, fast enough to clean and protect the Bay. At a meeting Monday of about 130 farmers and others at the Talbot Community Center in Easton, Maryland Secretary of Agriculture Earl “Buddy” Hance complimented Maryland farmers for implementing best management practices through the years and meeting almost 70 percent of the goal in the proposed regulations.

EDGEWATER-DAVIDSONVILLE PATCH

Diagnosing the South River: Internal Problems Even if the Chesapeake Bay is fully restored, the South River still faces substantial problems that are exclusive to its waters, local scientists say. At the start of July, Gov. Martin O’Malley applauded the Watershed Implementation Plan and declared that Maryland met two-year milestones in restoring the Chesapeake Bay. But following the announcement, South River Riverkeeper Diana Muller showed hesitation to celebrate alongside the governor due to what she called “internal problems.” Many may assume that as the Chesapeake Bay improves, it will naturally benefit its tributaries, but it’s an assumption that’s far from the truth, Muller said. During their analysis of the South River, Muller, her husband and Naval Academy professor Andrew Muller and intern David Nematollahi gathered evidence that the South River actually gets worse the further it is

from the Chesapeake Bay. In fact, the bay's "dead zone" has a dissolved oxygen level of .3 milligrams per liter (mpl), but the South River's levels are even lower—hitting the .2 mpl range, resulting in completely anoxic waters. As the scientists moved up river away from the bay, the color change was significantly noticeable, Andrew Muller said. Upstream, Andrew Muller called the South River "a primordial soup—hot, nutrient enriched water." He added that "low dissolved oxygen spreads like a disease throughout the area." The Riverkeeper added that the South River's goals and numbers are unique from the bay's, and to address them, each health gauge must be looked at exclusively. For example, the local river's "healthy underwater grasses" goal is 455 acres. Currently, the South River only has 8 acres.

VIRGINIA

NORFOLK VIRGINIAN PILOT

Virginia, N.C. to participate in earthquake drill Virginia will join North Carolina and other Southern states in holding an earthquake preparation drill later this year. The drill is scheduled for 10:18 a.m. on Oct. 18, according to a Virginia Department of Emergency Management news release. Schools, businesses, government agencies and families are encouraged to participate. To register for the earthquake drill, go to www.shakeout.org/southeast. Those registering will get information on how to plan their drill and prepare their communities. In case of an earthquake, residents are advised to drop to the ground, take cover under a table or desk and hold on to something until the shaking stops, the release said.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Bill to Modernize Hazardous Waste Tracking Clears House Subcommittee The House Energy and Commerce Subcommittee on Environment and the Economy unanimously approves legislation to establish a modern electronic system to track shipments of hazardous waste. The substitute version approved by the panel preserves the core elements of the Hazardous Waste Electronic Manifest Establishment Act (S. 710) but changes funding for the system from mandatory to discretionary spending and imposes user fees. Rep. Waxman says the bill, already passed by the Senate, stands a "high likelihood" of reaching President Obama's desk this year.

Water Agencies Tell D.C. Circuit EPA Incinerator Rule Is Flawed EPA's air pollution limits for sewage sludge incinerators are fundamentally flawed because the standards were issued under the wrong section of the Clean Air Act, a trade association representing municipal water agencies tells a federal appeals court. EPA set the standards under Section 129 of the law, but the National Association of Clean Water Agencies said sewage sludge incinerators should be regulated under Section 112, which has more flexible requirements

Inhofe Asks EPA to Delay Final Particulate Matter Air Quality Standards Sen. Inhofe asks EPA to delay a final rule on particulate matter air quality standards while the agency's inspector general investigates its advisory committees. Inhofe, ranking member of the Senate Environment and Public Works Committee, tells EPA Administrator Jackson that the inspector general's investigation has direct bearing on the particulate matter standards. Inhofe says the inspector general "is investigating alarming evidence of EPA abuse of scientific information and mismanagement" of its Clean Air Scientific Advisory Committee.

Pa. Court Backs Local Rules for Drilling; Colorado Fights Fracking Ban A Pennsylvania court invalidates state legislation preempting local governments' zoning authority over oil and gas drilling operations, a ruling the state is expected to appeal. A divided Pennsylvania Commonwealth Court holds that the uniform statewide zoning scheme, which requires municipalities to amend their zoning codes to allow all oil and gas development activities in all zoning districts, is an unconstitutional violation of due process.

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REUTERS NEWS SERVICE

US Chamber of Commerce to promote shale boom in campaign WASHINGTON, July 26 (Reuters) - The U.S. Chamber of Commerce on Thursday launched its first major salvo in support of shale oil and gas development, unveiling a campaign promoting the economic benefits of the booming energy sector that is under fire from environmentalists. The powerful business group will be running newspaper and radio ads in states such as Ohio, Pennsylvania and West Virginia where the shale gas boom has sharply boosted drilling. "There are critics and opponents and we welcome that debate," said Karen Harbert, who heads the energy arm of the chamber. "We're going to take that on and humanize it with the real stories that are happening across the country." Touting the potential of shale energy to revitalize areas hard hit by the economic downturn, Harbert said the "Shale Works for US" campaign will highlight local success stories with people already benefiting from shale development. The chamber's campaign comes as green groups intensify their attacks on shale gas development. The Sierra Club and other environmental groups are planning a national rally in Washington D.C. on Saturday attacking hydraulic fracturing. Advances in hydraulic fracturing, which involves injecting water, sand and chemicals underground to extract fuel, have unlocked vast shale gas resources across the nation. Some environmental groups have called for more federal regulation of fracking, which they say pollutes the air and taints groundwater. Supporters say the practice is safe and has been used for decades. Facing a tight election in November, U.S. President Barack Obama has stressed his support for shale gas, as well as its economic potential. Still, the Obama administration has acknowledged the concerns raised by its environmental voter base and the administration has proposed air emission rules and a new regulatory regime for fracking on public lands.

NEW YORK TIMES

Blog: Court Rejects a Ban on Local Fracking Limits A Pennsylvania court on Thursday struck down a provision of a state law that forbade municipalities to limit where natural gas drilling could take place within their boundaries. The law, known as Act 13 and approved in February, required that drilling be allowed in all zoning districts, even residential areas, although with certain buffers. The law had been sought by drillers who have been fracking in the Marcellus Shale and wanted uniformity in rules on where they could drill. But an appellate court found such a requirement unconstitutional, saying it allowed "incompatible uses in zoning districts," failed to protect the interests of neighboring property owners and altered the character of neighborhoods. Lawyers for the seven municipalities that sued over the state law said the court returned to them the power to do basic zoning. "It will allow local governments to continue to play a meaningful role in protecting property rights, residents and water supplies," said Jordan B. Yeager, a lawyer who represented the township of Nockamixon and the Borough of Yardley, both in Bucks County. Mr. Yeager said he expected the ruling to be appealed to the state Supreme Court. Nils Frederiksen, a spokesman for the Pennsylvania attorney general's office, said only that the ruling was being "reviewed by our attorneys." The municipalities had argued that to comply with the state law, they would have had to rewrite their zoning codes to create "special carve-outs" for the oil and gas industry to operate. State officials argued that state power to oversee oil and gas development took precedence over local zoning laws.

LA TIMES

California regulators take heat over *fracking* California oil regulators on Wednesday capped a series of seven public meetings on hydraulic fracturing with a Sacramento session, pledging to use thousands of public comments to guide their efforts to write rules for the controversial method of oil extraction. But environmentalists, community activists and residents argued for a moratorium, blasting state officials for allowing oil companies to use the procedure, more commonly known as "fracking," during the rule-making process without regulations in place. They raised concerns about potential environmental and public health hazards of a procedure that involves injecting chemical-laced water and sand deep into the ground to tap oil, including the possible contamination of drinking water. "Unless there's a way to guarantee no leaks, spills, contamination of water ... then we simply can't take the risk," said Meghan Sahli-Wells, a Culver City councilwoman. Officials said the state's drinking water was already protected by "robust construction standards" for oil wells but acknowledged the need for more information about fracking in California. "It is a high priority for the governor," said Mark Nechodom, director of the Department of Conservation. Unlike other oil-producing states, California does not have disclosure rules for fracking, and energy firms have used the procedure here for decades. State officials said they were focused on the present and committed to drafting regulations this year.